

DISTRICT OF MASSACHUSETTS  
UNITED STATES DISTRICT COURT

IN RE: PHARMACEUTICAL  
INDUSTRY AVERAGE WHOLESAL  
PRICE LITIGATION

MDL No. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

ALL CLASS ACTIONS

**DECLARATION OF THOMAS M. SOBOL RELATING TO  
PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER  
REGARDING SUBPOENAS TO PUTATIVE CLASS MEMBERS**

I, Thomas M. Sobol, depose and say as follows:

1. I am member of the bar of the Supreme Judicial Court of the Commonwealth of Massachusetts and a member of the United States District Court for the District of Massachusetts. I am a partner at the law firm of Hagens Berman LLP. I am Liaison Counsel and Co-Lead Counsel for the Plaintiffs in the above-captioned action. I submit this affidavit regarding Plaintiffs' Opposition to Defendants' Motions to Dismiss the Amended Master Consolidated Complaint.

2. Attached hereto as Exhibits A thru E are true copies of the following documents:

Exhibit No.

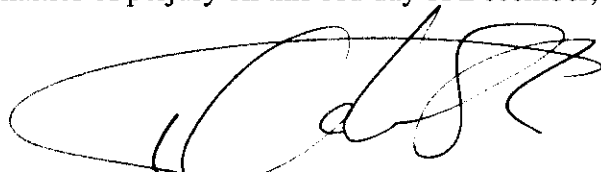
Document Description

- A. List. Third Parties Subpoenaed by Defendants as of December 3, 2003.
- B. Notice of Non-Party Subpoenas for Production of Documents (including attachments). October 31, 2003.
- C. Letters. (1) Sean Matt, Hagens Berman to D. Scott Wise, Davis Polk & Wardwell, Re: Subpoena to Ernst & Young, November 7, 2003; (2) Sean

Matt, Hagens Berman to D. Scott Wise, Davis Polk & Wardwell, Re: Defendants' Subpoena to Various Third Parties, November 12, 2003.

- D. Letter. D. Scott Wise, Davis Polk & Wardwell to Sean Matt, Hagens Berman, Re: Third Party Subpoenas, November 14, 2003.
- E. Memorandum and Order. *In Re: Visa Check/MasterMoney Antitrust Litigation*, 96-CV-5238 (E.D.N.Y.)
- F. Defendants' First Request for Production of Documents to Plaintiff Funds.

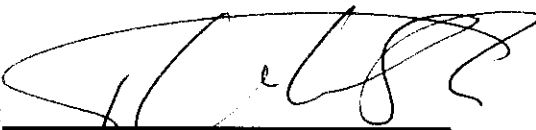
I say the forgoing under the pains and penalties of perjury on this 3rd day of December, 2003.

A handwritten signature in black ink, appearing to read 'T. Sobol', is written over a horizontal line.

Thomas M. Sobol

**CERTIFICATE OF SERVICE**

I hereby certify that I, Thomas M. Sobol, an attorney, caused true and correct copies of the foregoing DECLARATION OF THOMAS M. SOBOL RELATING TO PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER REGARDING SUBPOENAS TO PUTATIVE CLASS MEMBERS, to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2., this 3<sup>rd</sup> day of December, 2003.

By:   
Thomas M. Sobol, Esq.  
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